

**CANADIAN FEDERAL AUTHORIZATIONS FOR A NEW OR EXPANDED
INTERNATIONAL CROSSING IN WINDSOR-DETROIT**

ISSUE:

- Transport Canada has been asked to provide a list of Canadian federal permits, authorizations and approvals might be required for a new or expanded international crossing of the Detroit River in the Windsor-Detroit area. This note identifies a preliminary list of these authorizations, from the perspective of Transport Canada, for discussion purposes only. It does not represent a consolidated position of the Government of Canada.

DISCUSSION:

- In the early stages of an EA process, it is not possible to identify with certainty every approval that may be needed. It is the responsibility of a project proponent to consult with appropriate agencies throughout the project development and environmental assessment phases, in order to identify specific agency requirements. While every effort has been made to develop a complete list of legislative and regulatory approvals, what follows is a preliminary effort and should not be considered a formal identification of all approvals required for any specific proposal.
- In addition to the environmental assessment process under the *Canadian Environmental Assessment Act*, potential permits, approvals, authorizations and agreements that may be required from Canadian federal departments and agencies may include, but are not necessarily limited to, the following:
 - formal approval of the Canadian federal government for a new international crossing may include Governor in Council approval or special legislation, where required;
 - authorization under the *Fisheries Act* related to fish habitat;
 - approval under the *Navigable Waters Protection Act* (NWPA);
 - pipeline crossing/relocation approvals under the *National Energy Board Act* (NEBA);
 - authorization under *the International Boundary Waters Treaty Act* (Environment Canada, Foreign Affairs Canada)
 - *Bridges Act* (Public Works and Government Services Canada)
 - property use / access agreement – (Windsor Port Authority)

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- In addition, there are a number of federal laws, policies and guidelines that need to be respected as part of project development and environmental assessment. These include, but are not necessarily limited to, the following:
 - *Migratory Birds Convention Act* and Migratory Birds Regulations
 - *Fisheries Act*
 - *Species at Risk Act*
 - *Canadian Environmental Protection Act*
 - Policy for the Management of Fish Habitat
 - Great Lakes Water Quality Agreement
 - Federal Policy on Wetlands Conservation
 - Canadian Heritage Rivers System
 - Relevant guidelines and standards established by the Canadian Council of Ministers of the Environment, e.g., Canada Wide Standards and National Ambient Air Quality Objectives.

- Where an environmental assessment process is being coordinated by a joint federal-provincial review team, such as the integrated EA process being followed for the Detroit River International Crossing Project, the identification of specific federal approvals and associated information requirements may be facilitated by the “one-window” approach coordinated by the Federal Environmental Assessment Coordinator. However, specific project proponents remain responsible for meeting all statutory and other requirements. Consultation with the specific departments and agencies responsible for these laws, regulations and policies should take place as early as is practical.